

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BRIAN T. HILL

Petitioner,

vs.

MATTHEW L. CATE, Secretary,

Respondent.

CASE NO. 08cv1180 JM(WMc)


ORDER ADOPTING REPORT AND
RECOMMENDATION RE:
DISMISSAL OF PETITION AS
TIME-BARRED

On June 26, 2009 Magistrate Judge William McCurine, Jr. entered a Report and Recommendation recommending the grant of Respondent's motion to dismiss the Petition as time-barred ("R & R"). The R & R, expressly incorporated herein, thoroughly and thoughtfully analyzed Petitioner's claims and recommended that the petition be dismissed as time-barred. Petitioner has filed objections to the R & R ("Objections"). Respondent did not file a reply to the Objections. Pursuant to Local Rule 7.1(d)(1), this matter is appropriate for decision without oral argument.

In his Objections, Petitioner sets forth essentially the same arguments raised in the Petition and addressed in the R & R. Instead of responding to these arguments a second time, the court adopts the R & R in its entirety. The Petition is dismissed as time-barred.

IT IS SO ORDERED.

DATED: September 14, 2009


Hon. Jeffrey T. Miller
United States District Judge

cc: All parties